

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT EVANS RENO,

Defendant.

No. 1:18-CR-054-H-BU-3

ORDER DENYING RENO'S SECOND MOTION FOR DISCOVERY

On December 3, 2020, this Court denied Robert Evans Reno's Motion for Discovery. Dkt. No. 137. On January 4, 2021, Reno filed a second Motion for Discovery. Dkt. No. 139. As it did in its December 3, 2020 motion, the Court interprets Reno's request for discovery to ask for a copy of the entire record. *See* Dkt. No. 137 at 2–3. In his second motion, Reno clarifies that he is “out of time for a direct appeal” and “asks the Court to aid [him] in preparing for [a] . . . writ of habeas corpus.” Dkt. No. 139 at 2.

As the Court stated in its previous order, “the expenditure of public funds is proper only when authorized by Congress[.]” Dkt. No. 137 at 1 (quoting *United States v. MacCollom*, 426 U.S. 317, 321 (1976)). Additionally, “28 U.S.C. §§ 753(f) and 2250 do not authorize the Court to expend public funds to provide a defendant with a copy of court records unless the defendant has filed an application for a writ of habeas corpus and has been permitted to proceed *in forma pauperis*.” *Id.* at 3. Therefore, “absent a habeas corpus action and an order granting *in forma pauperis* status, Reno is not entitled to copies of court records at the government's expense for the purpose of searching for possible defects.” *Id.* at 1; *see United States v. Gossett*, No. 4:16-CR-131-O, 2019 WL 7811193, at *1 (N.D. Tex. Apr.

1, 2019) (“An indigent criminal defendant is not entitled to copies of transcripts and other Court records at government expense to engage in a fishing expedition to search for possible defects at trial.”).

As Reno admits in his motion, he is out of time for a direct appeal and has not filed a writ of habeas corpus. Accordingly, for the reasons explained in this order and in the Court’s December 3, 2020 order, the Court denies Reno’s second Motion for Discovery. If Reno wants a copy of all court records for his criminal proceeding, he may request the records from the clerk and pay the appropriate fee. *See* LCrR 55.1(d).

So ordered on January 27, 2021.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE